

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOSE ACEVEDO individually and on behalf of the
ESTATE OF JOEL ACEVEDO,

Plaintiff,

v.

Case No. 23-cv-00489

MICHAEL MATTIOLI et al.,

Defendant.

JOINT REQUEST BY THE PARTIES TO RESET SCHEDULING DEADLINES

NOW COME the parties, by and through their respective undersigned counsel, to respectfully request that this Honorable Court extend the scheduling deadlines established in the Court's scheduling order ("Order") dated January 18, 2024, *see* ECF No. 34, pursuant to Fed. R. Civ. P. R. 6(b)(1).

As reasons establishing good cause to extend deadlines, counsel for the parties aver that:

1. The parties met and conferred and jointly submitted a report pursuant to Fed. R. Civ. P. R. 26(f) on January 18, 2024. (ECF No. 29).
2. By order dated January 18, 2024, the Court establishing the following deadlines: Plaintiff's Expert Witness Disclosures due by May 1, 2024; Defendants' Expert Witness Disclosures due by June 16, 2024; Fact/Expert Discovery Complete on or before August 16, 2024; Dispositive Motions due by September 20, 2024; and *Daubert* Motions due by November 30, 2024. (ECF No. 34).

3. The parties requested that the scheduling order be amended by joint motion filed on April 30, 2024, detailing their exchange of discoverable materials to that date and their expectations about future performance. (ECF No. 36).
4. On August 30, 2024, the parties filed a joint motion to amend the scheduling order. (ECF No. 41). As primary reasons, the parties explained that Plaintiffs had propounded fifteen (15) subpoenas pursuant to Fed. R. Civ. P. R. 45 to non-party entities that possessed or may have possessed relevant, material information; that parties reasonably believed that the responsive production would be voluminous and the parties would need additional time to review those materials when produced; and that collecting responsive materials was a necessary precondition to generating expert reports. (*Id.*).
5. By text-only order dated August 30, 2024, the Court amended the scheduling order as follows: Primary Expert Disclosures due by November 15, 2024; Rebuttal Expert Disclosures due by January 3, 2025; Fact Discovery Complete by March 1, 2025; Dispositive Motions on or before April 10, 2025; and *Daubert* motions by June 15, 2025. (ECF No. 42).
6. Thereafter, on November 15, 2024, the parties filed a Joint Status Report detailing the progress of discovery to that date and projecting when the parties anticipated additional outstanding materials would be produced in the future. (ECF No. 44).
7. In June or July 2024, the State of Wisconsin Crime Laboratory produced responsive materials pursuant to Rule 45 subpoena comprising approximately 275 MB of data; the Milwaukee County Medical Examiner's Officer produced approximately 1.2 GB of data; the State of Wisconsin Division of Law Enforcement Services produced approximately 23

MB of data; and, the Milwaukee County Sheriff's Department produced responsive materials comprising approximately 34 MB of data.

8. The Milwaukee County District Attorney's Office produced responsive materials pursuant to Rule 45 subpoena comprising approximately 15.5 GB of data on or about July 25, 2024.
9. The Milwaukee Fire Department produced materials responsive to a subpoena issued pursuant to Fed. R. Civ. P. R. 45 on or about August 7, 2024.
10. On or about January 28, 2025, the Milwaukee Police Department produced materials responsive to subpoenas issued pursuant to Fed. R. Civ. P. R. 45 addressed to the Milwaukee Police Department and the Milwaukee Fire and Police Academy respectively. These materials comprised approximately 527 MB of data.
11. On February 27, 2025, the City of Milwaukee Fire and Police Commission produced materials responsive to a subpoena issued pursuant to Fed. R. Civ. P. 45 comprising approximately 30 MB of data.
12. The City of Milwaukee's Fire and Police Commission ("FPC") met and conferred with Plaintiffs' counsel on March 13, 2025, to discuss redactions and materials withheld pursuant to privilege. Thereafter, on March 18, the FPC produced additional materials along with an amended privilege log.
13. The parties have additionally met and conferred and coordinated to schedule several upcoming depositions:
 - a. Defendant (Former-Chief of the Milwaukee Police Department and current-Chief of the Sun Prairie Police Department) Alfonso Morales will be deposed via Zoom on April 15, 2025 at 1 p.m.;

- b. Defendant City of Milwaukee's 30(b)(6) witness(es) will be deposed in-person on April 24, 2025 at 9:30 a.m.;
 - c. Defendant Michael Mattioli will be deposed in-person on April 25, 2025 at 9:30 a.m.; and
 - d. Defendant (former Milwaukee police officer) Robert Roach will be deposed in person on April 25, 2025 at 1 p.m.
14. All discoverable materials, including materials produced by non-parties pursuant to Rule 45 subpoena, must be reviewed and incorporated into expert reports.
15. Both the quantity and timing of materials produced has diverged from the parties expectation in August 2024.
16. The parties have been diligent and professional in collecting and disclosing materials, resolving discovery disputes without Court intervention, and keeping the Court apprised of their progress.
17. In light of the preceding the parties jointly respectfully request that the Court reset the scheduling deadlines as follows:
- a. Primary expert disclosures on or before July 31, 2025;
 - b. Rebuttal expert disclosures before August 14, 2025;
 - c. Fact Discovery to be completed by August 28, 2025;
 - d. Dispositive motions to be filed on or before September 26, 2025; and
 - e. *Daubert* motions to be filed before October 27, 2025.

WHEREFORE, the parties jointly assert that good cause exists to grant their request for extension of deadlines and respectfully requests that this Honorable Court to adopt the proposed deadlines.


Dated and signed at Milwaukee, Wisconsin this 3rd day of April, 2025.

EVAN GOYKE
City Attorney

ADDRESS:
800 City Hall
200 East Wells Street
Milwaukee, WI 53202
Telephone: (414) 286-2601
Fax: (414) 286-8550

/s/ Clint B. Mucche
CLINT B. MUCHE
Assistant City Attorney
WI Bar No. 1131629
Email: cmucche@milwaukee.gov
Attorneys for Defendants
Robert Roach and Alfonso Morales

WIRTH + BAYNARD

9898 W. Bluemound Road, Suite 2
 Wauwatosa, Wisconsin 53226
T: (414) 291-7979 / F: (414) 291-7960
Email: jmb@wbattys.com

/s/ Jasmyne M. Baynard
JOSEPH M. WIRTH
WI Bar No. 1012080
Attorneys for Defendant Michael Mattioli

JACOB LITIGATION, INC.
P.O. Box 837
Mechanicsburg, PA 17055
Tel: (717) 796-7733
djacob@jacoblitigation.com

/s/ Devon M. Jacob
PA Bar Number: 89182
B'Ivory LaMarr
WI Bar No. 1122469

Counsel for Plaintiff

THE LAMARR FIRM
5718 Westheimer Rd, Suite 1000
Houston, TX 77057
Tel: (800) 679-4600 ext. 700

1032-2023-681/297127